FILED

2017 APR 11 PM 3:32

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	INDICTMENT
Plaintiff,	)	
v.	)	CASE NO. 1 17 CR 0137
	)	Title 18, Section 286, United States Code
JANICE PARKS and HELEN WYNDER,	)	
Defendants.	)	JUDGE LIOI

The Grand Jury charges:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Defendants JANICE PARKS ("PARKS") and HELEN WYNDER ("WYNDER") resided in the Northern District of Ohio, Eastern Division.

2. PARKS held herself out to be a tax preparer and offered to prepare tax returns for family members, friends, and others through a system of referrals. These individuals gave personal identifying information ("PII"), including names, addresses, social security numbers, and dates of birth to PARKS, WYNDER, D.B., a person whose identify is known to the Grand Jury, and others so that PARKS, WYNDER, and others could prepare the tax returns.

3. D.B., who was incarcerated, provided PARKS and WYNDER the PII of prisoners to use in order to file the fraudulent tax returns.

4. PARKS initially established her tax preparation business, J and H Professional Tax Services ("J & H") out of her home, and she subsequently established a business office location, which she named JANTAXX.

5. PARKS identified herself on business cards as the Owner/Operator Tax Specialist of J & H.

6. WYNDER identified herself on business cards as a Tax Specialist for J & H.

7. Federal tax law for the year 2010 provided for the following refundable tax credits that could be claimed by qualifying persons on their 2010 federal income tax returns:

a. The American Opportunity Credit ("AOC"). The AOC was an education tax credit of up to $2,500 on the amount of qualified education expenses paid for a student to any college, university, vocational school, or other postsecondary educational institution eligible to participate in a student aid program administered by the U.S. Department of Education.

b. The Making Work Pay ("MWP") Credit. The MWP was a tax credit for individuals who earned income from work and whose adjusted gross income was less than $95,000. The credit was 6.2% of the income earned up to a maximum of $400.

c. The Earned Income Credit ("EIC"). The EIC was a tax credit for low income working persons. In addition to other requirements, individuals without qualifying children had to be between the ages of 25 and 65, not be claimed as a dependent on another return, and have received less than $13,460 of earned income to qualify.

d. The Child Tax Credit ("CTC"). The CTC was a tax credit for people who had a qualifying child. A qualifying child for purposes of the child tax credit was a child who:

i. Was the taxpayer's son, daughter, stepchild, foster child, brother, sister, stepbrother, stepsister, half brother, half sister, or a descendant of any of them (for example, your grandchild, niece, or nephew);

ii. Was under age 17 at the end of 2010;

iii. Did not provide over half of his or her own support for 2010;

iv. Lived with the taxpayer for more than half of 2010 (some Exceptions apply);

v. Is claimed as a dependent on the taxpayer's return;

vi. Does not file a joint return for the year (or files it only to claim a refund of withheld income tax or estimated tax paid); and

vii. Was a U.S. citizen, a U.S. national, or a U.S. resident alien.

e. The Additional Child Tax Credit ("ACTC"). The ACTC was a tax credit for certain individuals who received less than the full amount of the child tax credit. The additional child tax credit allowed an individual to receive a refund even if he or she did not owe any tax.

8. Federal tax law for the year 2011 also provided for each of the above mentioned refundable tax credits, with the exception of the MWP credit, that could be claimed by qualifying persons on their 2011 federal income tax returns.

9. A prepaid debit card was a card linked to an account at a financial institution, which could be used to receive deposits electronically, similar to a traditional bank account, and to make purchases and cash withdrawals, similar to a traditional bank debit card.

10. The Internal Revenue Service ("IRS") procedures allowed a taxpayer to request payment of a refund electronically by direct deposit, including deposits to prepaid debit cards. IRS procedures allowed a taxpayer to request that a single refund payment be split into multiple direct deposits.

11. PARKS, WYNDER, and others known and unknown to the Grand Jury, used the PII and means of identification received from these various individuals (collectively, "the claimants") to prepare and electronically file false, fictitious, and fraudulent tax returns in the claimants' names. Many of the claimants received a portion of the refund. PARKS, WYNDER, and others, falsified wage income and tax credit information to obtain income tax refunds to which neither they nor any third party was entitled. Many of the false, fictitious, and fraudulent personal income tax returns filed by PARKS, WYNDER, and others, shared common characteristics.

12. PARKS and WYNDER did not list themselves as a tax preparer on any of the false, fictitious, and fraudulent returns that they filed in the claimants' names.

13. PARKS requested that some of the refunds be paid by direct deposit into bank accounts opened in her name or in the names of S.J., D.T., B.B., K.E., and L.P., persons whose identities are known to the Grand Jury. PARKS or WYNDER requested that S.J., D.T., B.B., and L.P. withdraw said funds from their bank accounts and PARKS or WYNDER then converted said funds for PARKER or WYNDER's use.

COUNT 1
(Conspiracy to Make False Claims, 18 U.S.C. § 286)

The Grand Jury further charges:

14. The allegations contained in paragraphs 1 – 13 are re-alleged and incorporated as though fully set forth herein.

15. From on or about January 2011 to on or about May 2012, the exact dates unknown to the Grand Jury, in the Northern District of Ohio, Eastern Division, and elsewhere, the defendants, JANICE PARKS, HELEN WYNDER, and others, known and unknown to the Grand Jury, knowingly and intentionally agreed, combined, and conspired to defraud the United States by obtaining and aiding to obtain the payment and allowance of false, fictitious, and fraudulent claims.

OBJECT OF THE CONSPIRACY

16. The object of the conspiracy was to file income tax returns containing false, fictitious, and fraudulent claims for tax refunds with the IRS in the names of various claimants, and to obtain the proceeds of the resulting tax refunds for the personal use of the co-conspirators.

MANNER AND MEANS OF THE CONSPIRACY

17. The manner and means by which the conspiracy was carried out, in the Northern District of Ohio, Eastern Division, included but were not limited to the following:

a. PARKS, WYNDER, and their co-conspirators engaged in a scheme to prepare and file false income tax returns claiming false and inflated claims for tax refunds for claimants.

b. PARKS, WYNDER, and their co-conspirators prepared and caused to be prepared fictitious federal income tax returns for claimants that reported fictitious employment wages for all tax returns, usually increasing the amount of EIC. As PARKS and WYNDER then knew, few of the claimants were employed for the periods in which PARKS, WYNDER and their co-conspirators filed income tax returns for them. However, for the claimants that were employed during the time period, PARKS and WYNDER falsified their wage amounts resulting in inflated claims for tax refunds.

c. PARKS and WYNDER did not list their names as paid preparers on the returns.

d. The majority of the 2010 federal income tax returns claimed the $400 of the MWP Credit.

e. The majority of the tax returns claimed the EIC.

f. Many of the tax returns also claimed the AOC and the ACTC.

18. PARKS, WYNDER, and their co-conspirators caused 89 false 2010 income tax returns in the name of 89 claimants and 67 false 2011 income tax returns in the name of 67 claimants to be prepared and filed with the IRS, resulting in false refund claims totaling approximately $313,797.

All in violation of Title 18, United States Code, Section 286.

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.